## REMARKS/ARGUMENTS

The Examiner's Office Action and the cited references have been given careful consideration. Following such consideration, claims 3 and 6 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Claims 1 and 7 have been cancelled. Claims 2, 5 and 8 were previously cancelled. Claim 4 is unchanged by the present amendment. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

In the Office Action dated September 16, 2009, the Examiner indicated that dependent claims 3 and 4 recite *allowable subject matter*, and would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

In view of the Examiner's indication of allowable subject matter, dependent claim 3 has now been amended to independent form to include limitations recited in claim 1 (now cancelled). Claim 4 remains dependent on claim 3. Dependent claim 6 has now been amended to depend on newly independent claim 3. Independent claim 7 has now been cancelled. The foregoing claim amendments have been made in order to expedite allowance of the present application in view of the Examiner's indication of allowable subject matter with respect to claims 3 and 4.

It is respectfully submitted that newly independent claim 3, dependent claim 4, and dependent claim 6 recite allowable subject matter, and thus, are now in condition for allowance. Accordingly, the Examiner is respectfully requested to issue a *Notice of Allowance* in the present application.

Furthermore, the Examiner is requested to consider the **Information Disclosure**Statement (IDS) filed in connection with the present application on November 23, 2009.

In view of the foregoing comments, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

Application No. 10/588,675 Reply to the Office Action mailed September 16, 2009 Amendment filed December 15, 2009

Date: <u>December 15, 2009</u>

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. MM9339PCT(US).

Respectfully submitted,

Michael A. Jaffe

Registration No. 36,326

Kusner & Jaffe

Highland Place - Suite 310

6151 Wilson Mills Road

Highland Heights, Ohio 44143

(440) 684-1090 (phone)

(440) 684-1095 (fax)

MAJ/lc